

Land Conservation

The earth belongs to the living. No man can, by natural right, oblige the lands he occupied or the persons who succeed him in that occupation, to the payment of debts contracted by him. For if he could, he might, during his own life, eat up the use of the lands for several generations to come, and then the lands would belong to the dead, and not to the living. No generation can contract debts greater than may be paid during the course of its own existence.

—Thomas Jefferson



Aerial view of undisturbed lands. Photo by Virginia Tourism Corporation.

When he announced his goal to preserve an additional 400,000 acres of Virginia land during his term, Gov. Tim Kaine noted that: “With every passing day, land is becoming more expensive and scarcer. I will set and meet this preservation goal during my term – not just because it’s the right thing to do – I will do it because if I don’t, the opportunity to do it will not be there for future governors and future Virginians.”

The conservation of Virginia’s land and related water resources is not only a mandate of Article XI of the Constitution of Virginia, but is also vital to the quality of life enjoyed by Virginians. With population and associated development increasing at unprecedented rates, the conservation of these resources is essential to both the public well-being and the economic viability of the state. Land conservation is more than just about aesthetics; it is a strategy for improved water quality, protection of drinking water supplies, smarter growth, historic preservation, preservation of our plant and animal communities and many others. If there was ever a time for the state to focus on the conservation of its natural and cultural resource base, it is now.

While the state has established a number of very significant land conservation goals (see *Land Conservation Findings* below), accomplishing those goals is only an interim step in meeting Virginia’s need for land conservation. The scientific question of how much land needs to be conserved is being addressed and will take time to answer, as many factors concerning the functions of the land and the ultimate quality of life in Virginia must be considered.

Because the science of protecting our land and cultural resources is evolving, it is premature to set an ultimate acreage figure. However, interim goals such as Gov. Kaine’s goal of protecting 400,000 additional acres by 2010 and the regional Chesapeake Bay goal of conserving 20 percent of the watershed have helped to galvanize efforts in the Commonwealth. It is recognized that these goals, even when met, will need to be refined in order to reflect the future demands of a growing state.

Acquiring lands and easements also require public and private bodies to maintain stewardship of those properties. In some cases, this will require additional public funding to develop and operate the properties for the public’s use and enjoyment, while in other

cases, it will mean adequate monitoring by public or private easement holders to ensure easements and management principles are upheld.

Three of the largest landowners in the Commonwealth – the National Park Service, the USDA Forest Service, and the U.S. Fish and Wildlife Service – develop and follow management plans for more than two million acres in Virginia. With some areas dedicated to open space use, some to preservation, and other areas available for recreation, it is apparent that the way this space is managed significantly influences the resources available to the public. Similarly, state agencies such as the Department of Conservation and Recreation, the Department of Game and Inland Fisheries, and the Department of Forestry develop and implement plans appropriate to the resources for which they are responsible. Regional and municipal park and recreation agencies also prepare management plans for their larger parks.

Results of the 2006 Virginia Outdoors Survey:

- When asked how important is it to protect Virginia’s natural and open space resources, 95 percent of respondents said it was either “important” or “very important” (67 percent said it was “very important” and 28 percent said it was “important”). Less than two percent responded that protection of natural and open space was not important.
- Nearly 78 percent answered “yes” to the question “Should the state spend public funds to prevent the loss of exceptional natural areas to development?”
- More than 70 percent of those surveyed said they favored outright purchase from willing sellers as an appropriate tool for conserving open space.

Findings

- Gov. Kaine’s goal of the preservation of an additional 400,000 acres of land by 2010 is an extraordinary commitment that will require the Commonwealth and its partners to nearly double the past annual rate of land conservation.

Land Conservation

- In 2000, the governors of Virginia, Maryland, and Pennsylvania, and the mayor of Washington D.C. signed the Chesapeake 2000 Agreement, which committed those states to permanently preserve from development 20 percent of the land area in the Chesapeake Bay Watershed by 2010. As of July 2006, Virginia had protected almost 17.8 percent of the Bay watershed, which makes up about 60 percent of the state's total land area. For comparative purposes, 13.6 percent of total state lands have been protected.
- Growing human population and development patterns that consume disproportionate amounts of our rural heritage have been a driving force in Virginia in recent decades. As Virginia commemorates the 400th anniversary of the founding of the Jamestown Settlement, it is remarkable to note that of all the development that has occurred since 1607, more than a quarter of it has taken place in the last 15 years.
- The population of Virginia is predicted to increase by 5 percent by the year 2010, by almost 15 percent by the year 2020, and by nearly 24 percent by the year 2030. If Virginia continues to grow with the same development patterns as it has in the past, more land will be developed in the next 40 years than has been since the Jamestown settlement was established in 1607.
- As a result of a combination of factors including population growth, inefficient development patterns, and an aging farming population, Virginia lost 3.3 million acres, or over 20 percent, of its farmland between 1982 and 1997. Nearly 120 Virginia farms disappear every year.
- With 15.77 million acres of forested land, Virginia is 61.5 percent forested. According to the Virginia Department of Forestry, urban growth and development resulted in an average net loss of 26,100 acres per year from 2001 to 2004. This is an accelerated rate of loss when compared to the 20,000 acres per year estimate for the 1992–2001 time period. More acres of forest are developed each year, but reversion of some agricultural land to forest partially offsets the loss. If current development trends continue, it has been projected that Virginia will lose a million acres of forest in the next 25 years.
- A Mason-Dixon poll of Virginia voters in January 2003 found that “the highest percentage of voter support – 85 to 90 percent – related to preserving Virginia’s rural character and investing in our agricultural, forestry and natural resource-based industries to keep working farms, forests and open space.”



Scenic viewsheds, landscapes and open space are important for conservation. DCR photo by Irvine Wilson.

- Preserved open-space lands provide benefits in terms of working (agricultural and forestal) landscapes, scenic landscapes, recreation, natural areas and parks, cultural and historic resource protection, natural resource protection, water quality improvement and maintenance, and carbon sequestration, along with the economic benefits associated with these functions.
- Conservation and open space easements alone (which generally do not allow for public access) will not meet the state's increasing need for accessible public lands.

Recommendations

- To meet Gov. Kaine's goal of preserving 400,000 acres of Virginia land by 2010 and the Chesapeake Bay Agreement goals for watershed protection, a consistent and stable source of state funding for the Virginia Land Conservation Foundation and local Purchase of Development Rights programs should be established.
- Maintain strong state tax incentives for land conservation.
- Maintain federal funding assistance and tax incentives.
- As population growth accelerates development pressure, land conservation and sound land use decision making should become prominent strategic considerations in land-planning efforts at the local, regional and state levels if Virginia is to effectively conserve lands for future generations.
- Localities, state agencies and private organizations should make deliberate decisions about how to focus and prioritize their land conservation efforts. To do so, they should further develop a method of targeting preservation efforts through the use of green infrastructure land planning techniques, geographic information systems, local comprehensive plans, and decision support systems such as the Virginia Conservation Lands Needs Assessment.
- Meeting conservation goals will require enhanced partnerships among all agencies and the private sector.
- All organizations undertaking land conservation projects should strive to ensure that protected lands are offering a wide range of public benefits, including water quality protection, habitat preservation and public access.

Protected lands should benefit the public and possess unique and significant natural, historic, recreational, scenic and cultural resources, including:

- Recreational and park lands.
- Lands with rare, threatened or endangered species.
- Fish and wildlife habitat.
- Agricultural and forestal lands.
- Historic and cultural resources.
- Open space land with scenic qualities.
- Lands and other resources designated as part of a locally driven planning process.

Characteristics that make particular properties special and worthy of protection include the following.

- River corridors
- Viewsheds
- Public access points
- Blueways and greenways
- Land that meets the needs identified in the *Virginia Outdoors Plan*
- Support of a local or regional plan
- Land adjacent to a Virginia Scenic River, Road or Byway
- Land adjacent to parks or natural area preserves
- Land adjacent to wildlife management areas
- Land adjacent to state forests
- Land that meets the needs identified in the Virginia Natural Heritage Plan
- Rare or unique species
- Biodiversity
- Land individually listed on the Virginia Landmarks Register
- Land that is a contributing resource within a historic district that is listed in the Virginia Landmarks Register
- Prime and important soils and farmland
- Wetlands
- Contiguous forest parcels
- Timber value
- Unique geological features
- Cultural geography
- Relationship to development patterns and land use planning

- Land management and easement-holding agencies and organizations have significant responsibilities for ongoing stewardship of lands and should improve monitoring and oversight of these conservation and historic easements. Stewardship of state owned lands and conservation easements will require dedicated resources of staff time and funding to ensure that those properties are properly managed to meet the public need.
- State agencies should work with private land trusts to maximize conservation value of easements by considering inclusion of language in the deed that would maintain or establish riparian buffers along streams and implement forestry and agricultural best management practices on properties to improve water quality benefits.
- Conservation organizations and agencies within the Commonwealth should work in partnership with federal entities to protect land and resources that exist on, or that would buffer, military bases.
- Virginia should work with corporate partners to identify areas on their properties that could be placed under easement.
- In an effort to sustain and improve water quality, Virginia should protect large tracts of land within watersheds as open space through watershed planning and land conservation.
- Virginia should work with educational institutions and conservation organizations to instill long-term support for land conservation and open space protection through meaningful outdoor experiences to children and adults.
- Proactive measures should be taken now to preserve Virginia's historic resources. Such actions should be comprehensive in scope, considering the resource as well as its surroundings and context.
- Scenic areas should not be overlooked when targeting lands for protection.

When we see land as a community to which we belong, we may begin to use it with love and respect.

—Aldo Leopold, *A Sand County Almanac*

Importance of land conservation

Much of Virginia's landscape remains as it was in the 17th and 18th centuries when it was inhabited by Native Americans and when European and African settlement began. As Virginia has continued to develop, much of its landscape character is lost to sprawling development or is fragmented by grey infrastructure to serve a growing population.

With the growing interest in land conservation, the preservation of Virginia's landscapes is becoming more commonplace throughout the state. A comprehensive land conservation strategy is needed to preserve these critical landscape components. Land conservation is vital for protecting many of Virginia's shared community assets, such as biodiversity, outdoor recreation, water quality, historic and cultural resources, scenic resources, and working landscapes. Valuable tools for the protection of these assets are described later in the chapter.

Biodiversity

Virginia is home to more than 32,000 native species of plants and animals. Each is part of Virginia's natural tapestry, has intrinsic value, and plays a role in the complex web of life. The loss of one may lead to the loss of dozens more and it is difficult to know which may be keystones to entire ecosystems. Some 40 percent of all modern pharmaceuticals are derived from plants and animals. Wild organisms are important genetic reservoirs for improving domestic crops and livestock.

Much biodiversity protection can be accomplished by protecting habitat. For some highly specialized terrestrial species, a significant proportion of their habitat may be secured by protecting relatively small areas of land. One such example is the Virginia endemic vine, Addison's leatherflower, which has a strong affinity for an unusual soil type on south to west-facing slopes. Other species, such as many forest-interior nesting birds, require large blocks of unbroken habitat in order to prosper. Most species benefit from corridors between population nodes in order to interbreed and to reoccupy vacated territory. Other key pieces of Virginia's landscape are critical habitat for brief periods of time. The southern tip of the Delmarva Peninsula, for example, supports millions of migrating birds each fall as they rest and feed in preparation for their flight south across the mouth of the Chesapeake Bay. Other species live out their lives in the dark in one of Virginia's more than 4,000 caves.



Exploring caves for rare species biodiversity. DCR photo by Irvine Wilson.

Protecting habitat for aquatic species is a significant challenge because much relies on protecting watersheds, encompassing large land areas. Carefully focused watershed protection efforts will help secure the future for many rare aquatic species concentrated in specific river systems, such as the Clinch River in southwest Virginia. Also, efforts to protect riparian zones on farms and working forests, and to implement other best management practices, will significantly improve conditions for aquatic species throughout the state.

Outdoor recreation

The 2007 *VOP* demonstrates the strong connection between resources needed for outdoor recreation and sound land conservation based on green infrastructure planning (See Chapter IV). Most of the popular forms of outdoor recreation are either dependent on resource lands and waters or enhanced by their proximity to them. Land protection is essential for ensuring outdoor recreation opportunities for Virginia's growing population. If the citizens of the Commonwealth are not afforded opportunities to enjoy the outdoors and experience Virginia's diversity, the future of Virginia's outdoors will be jeopardized. Long-term support for land conservation and open space protection are strongly tied to outdoor recreation experiences for children and adults.

Both public and private lands are important for meeting the needs of outdoor recreation. Public recreation areas are increasingly in demand as large tracks of private land are subdivided and traditional local recreational uses are lost. Conserved private land is important, not only in providing much of the hunting opportunity east of the Blue Ridge, but also in maintaining scenic vistas and serving as buffer lands around major park and recreation areas. Private lands can also play an important role in the provision of various types of long distance and connector trails in the state.

Water quality

The condition of the land has direct and highly significant impact on water quality. A naturally vegetated landscape provides the greatest benefits to water quality. Undeveloped lands, especially forests, filter both surface water and groundwater. Developed lands are predominantly impervious surfaces, or gray infrastructure, like sidewalks, buildings, parking and roads that don't allow water to filter directly into the ground. Water that cannot soak into the ground flows over the land surface, eventually ending up in a waterway. The amount of impervious surface in a watershed directly affects the amount of runoff, influencing surface water quality in streams. Not only does impervious surface accelerate stream erosion and degrade water quality of surface waters or streams, it blocks or diverts water from recharging ground water.

The Center for Watershed Protection reports that runoff from a watershed that is composed of less than 10 percent impervious cover is considered to be "sensitive." At 10 percent impervious cover, stream quality begins to decline. When impervious surface areas within the watershed range from 10 to 25 percent, streams are categorized as "impacted." Between 25 percent and 60 percent impervious surface areas leave streams "damaged," and above 60 percent impervious cover streams are considered "severely damaged" (www.cwp.org/whywatersheds_files/frame.htm).



Protecting shorelines from impacts of development maintains water quality for the state's rivers and the Chesapeake Bay. Photo by DCR.

Land Conservation

Protecting large tracts of land as open space through watershed planning and land conservation sustains and improves water quality. By and large, Virginians take for granted the water quality benefits provided by privately held forestland – land that is rapidly being converted to other uses. Several other states, such as Florida and New York, recognized the importance of protecting significant portions of watersheds and took action, primarily as a means of ensuring adequate drinking water supplies. Virginia's conservation lands strategy should also include the protection of significant watershed areas.

Historic and cultural resources

Preservation of historic resources is linked with land conservation and open space protection. As development spreads throughout the Commonwealth, it is even more important to protect cultural and archaeological resources. These historic resources provide insight into the social, cultural and economic development of Virginia, and give citizens a tangible link to the past. These resources include historic houses, commercial buildings, factories, mills, churches, battlefields, archaeological sites and cultural landscapes. It is sound environmental policy to protect these resources, which preserve important pieces of the past needed to inspire and inform future generations.

Not only do these resources provide historical background and information, they are also important to Virginia's economy. Attractive financial incentives spur private investment in historic structures, resulting in the rehabilitation and revitalization of neighborhoods and cities. At the same time, heritage tourism draws thousands of people to Virginia's towns and cities each year. The 2006 *Virginia Outdoors Survey* discovered that visiting historic sites is the second most popular recreational activity of Virginians. Thus, protecting Virginia's historic and cultural resources in their landscape settings is essential to maintaining the quality of life in our state.

Historic land protection can take a number of forms. One commonly recognized form is the protection of actual historic sites, such as battlefields, settlements, plantations and historic homes. These have, by private efforts or by chance, retained many of their original characteristics. Other sites of historic value may be obscured, but not obliterated, by changes in the landscape. Archeological sites often fall into this category and need to be protected, at least until artifacts and valuable information can be extracted from them. Many natural landscapes across Virginia are of invaluable cultural significance to the Native Americans who called Virginia home long before Europeans arrived.

There is also historic value in preserving representative pieces of Virginia's landscape, regardless of whether or not actual historic events occurred there. Cotton fields, pine savannahs, expansive mountain forests and long stretches of wild rivers are all part of Virginia's history. Preserving them is important for helping people reconstruct and visualize the past. For example, a small patch of an ancient swamp forest, protected by The Nature Conservancy, yielded important data from cypress tree growth rings. This data helped historians understand drought conditions during the settlement of Jamestown. Virginia's history will continue to be discovered as additional landscapes are protected.

Proactive measures must be taken now to preserve Virginia's historic resources. Such actions should be comprehensive in scope, considering the resource as well as its surroundings and context. When a historic building is preserved, it is also important to protect its historic setting and landscape, including any existing archaeological or other resources, if possible. Collectively, these elements provide a more accurate and rich understanding of the past.



Virginia City Church in Wise County. Photo by DHR.

Scenic resources

The tapestry of Virginia's landscape ranges from mountain overlooks, to hardwood forests, to the Coastal Plain. Virginia's scenery, particularly in rural and agrarian settings, is an important part of what draws people to the Commonwealth. Protecting these scenic landscapes and resources is another reason for land conservation. Scenic areas need to be targeted as special priorities for protection.



Preservation of diverse landscapes protects wildlife habitat and scenic open space. DCR photo by Irvine Wilson.

Land conservation can maintain a region's sense of place and the local character of communities. Preserving a clear boundary between cities or towns and countryside safeguards the rural character of Virginia. Land conservation can serve to protect open space on the edge of urban areas while encouraging more compact, walkable communities. In an urban context, land conservation can serve to maintain community identity and character by encouraging infill development on vacant, underused, or overlooked land, including brownfields. For more information on scenic resources, see chapter VII-D.

Working landscapes

Together, agriculture and forestry are Virginia's number one industry, contributing more than \$47 billion to the state's economy in 2004, and representing more than 15 percent of total employment. Numerous economic factors are causing many farms and forestlands to be developed. Depressed commodity prices due to competition from other countries, rising land costs (and by extension rising property taxes), dwindling interest in the upcoming generation to pursue demanding careers on the land, and the farm-as-pension-fund approach to retirement all lead to many farms and forests being sold for development. Eventually, as forests become smaller and farms more widely separated, the land-based economy slows. As supporting

businesses disappear, more working lands grow idle or are converted to other uses. Therefore, an important part of supporting land-based economy is to preserve the land. Such efforts should focus on the most productive lands and areas with intact supporting infrastructure.

Economic value of land conservation

Protected land typically enhances the value of nearby residential property. In most cases, a home with a view of a forest or a meadow is more desirable than a similar home with a view of an interstate highway. Recognizing this concept, many local governments strongly support land conservation, understanding that protected, undeveloped land generates more direct tax revenue than the services it requires, and that residential development typically brings in less taxes than it costs to service. In addition, the increased value of properties near preserved lands means that localities benefit by permanently protecting green space.

The Virginia Conservation Lands Needs Assessment (VCLNA) may be used to target conservation lands that would be most economically beneficial to communities. For more information on the VCLNA, see Chapter IV: Green Infrastructure.

Methods and strategies for protecting open space and natural resources

The following text will discuss a full range of tools available for the conservation of land and related resources. Conservation cannot happen without a strong partnership between individual property owners, public agencies, corporate neighbors and private land conservation organizations. While the efforts of public agencies are generally well known, the significant contributions of the private sector are often less apparent.

For more information about partnerships for protection, see the subsection of this chapter entitled, "Land conservation organizations in Virginia."

Conservation tools

There are a number of land conservation tools in Virginia, including ways for private landowners to carry out voluntary conservation, as well as ways that localities can regulate land use to encourage conservation. Open space and significant natural, historic, agricultural, forestal, scenic and recreational resources are protected by a combination of land use regulations and voluntary mechanisms. These are available to private landowners, private nonprofit organizations and government agencies. Federal and state tax incentives also play an enormously significant role in open space protection.

Land protection mechanisms are becoming more dynamic and diversified, as evidenced by the growing number of strategies. These include public policy and planning tools, fiscal incentives, regulatory mechanisms and voluntary conservation options. However, no single tool can meet all land conservation needs. The size of the Commonwealth, the diversity of interests contained in it, and competing economic and social factors combine to make a single approach ineffective. Many strategies will also not meet the public's recreational needs. Thus, it is important to balance easements on private property with easements on and acquisitions of public lands to meet the public's recreational and outdoor needs. The following is an overview of the options available to agencies, localities and individual landowners that help address the challenges of preserving and protecting open space and natural resources.

Land conservation and open-space planning

The value of planning lies in its comprehensive approach in providing direction for resource protection to all players in land use issues. To be effective, the

planning process must actively engage key players, groups and stakeholders in working together to reach a common goal. Achieving that goal will require a cooperative effort among federal, state and local public agencies, private conservation organizations and land trusts, landowners and developers.

Protection tools and strategies

Land use planning in Virginia incorporates a number of voluntary and regulatory resource protection tools and strategies. These are available to local governments and private land conservation organizations, developers and individual landowners. Regulatory land use tools may be delegated to localities by the state. Some mechanisms may be voluntarily negotiated with developers as a condition of development. Both governmental agencies and private nonprofit organizations can utilize the growing number of voluntary mechanisms in negotiations with private landowners. Tools and strategies are illustrated in the chart below and described in the following section.

Voluntary land protection

Purchase	Donations
Fee simple acquisition	Fee simple donation
Purchase and leaseback	Conservation easements
Purchase of development rights	Remainder interest and reserved life estates
	Natural Area Registry
Combination of purchase and donation:	Bargain sale

Purchase of land

Full legal title to land, and all rights associated with it, may be purchased from landowners who voluntarily sell their land for a conservation purpose at a price equivalent to its value at its "highest and best" use, or fair market value. The appraised fair market value of the property is the standard for all sales. Purchasing land at its fair market value has two advantages: the acquisition process is relatively simple, and the rights and privileges of fee simple ownership are rarely challenged. Land can be purchased for open space through the following options.

Fee simple acquisition

Landowners may voluntarily preserve their lands by donating or selling their legal interest in the land (the "fee simple" interest in the land) to a land trust or government agency. This is the most comprehensive means of affecting control and preservation of land, since the original landowner releases all rights.

Purchase and leaseback

This is an outright purchase of land by a conservation organization or agency, with a subsequent lease back to the original owner who will continue to gain some economic return from the land as agricultural, forestal or open space use. This preserves open space, while ideally generating revenue for the conservation purchaser as well as for the lessee.

Purchase of development rights

Virginia law allows localities to create programs that pay landowners who give up the rights to divide their land for development. The development rights are transferred to the locality in a conservation easement. For more information, see Chapter IV: Green Infrastructure.

Bargain sale

A landowner may also combine a sale and donation by making a “bargain sale,” which allows a conservation agency or organization to obtain the land at a lower price than appraised value. This enables the land to be protected while providing some immediate funds to the seller. This type of sale can result in a tax deduction for the difference in the price received for the property and its fair market value, and may benefit the landowner by offsetting any capital gains tax associated with the sale component of the transaction.

Donations

Donations of conservation easements and outright donation of property to a land trust or to a government agency are highly effective and efficient ways of preserving land. In general, these programs generate few legal disputes over property rights and takings issues, and often qualify property owners for tax deductions. Voluntary protection programs are best combined with other open space protection strategies to maximize their benefit. Examples of donated land protection programs that preserve open space follow.

Conservation easements

Conservation easements are legally binding agreements between the landowner and the organization or agency that becomes the holder of the easement. The landowner retains ownership of the property while transferring certain development rights to a qualified organization. Each easement is written to protect the resources that are unique to that property. The easement places encumbrance on the title, limiting the use of the property in perpetuity. In Virginia, easements may be donated to a public body under the Open Space Lands Act, or to a private, nonprofit conservation organization under the Conservation Easement Act.

The Virginia Outdoors Foundation and other state agencies, such as the Department of Conservation and Recreation, Department of Historic Resources, and the Department of Forestry, as well as national, regional, and local land trusts educate landowners about the benefits of conservation easements. They also negotiate the terms of easements, and hold them once they are established. When funds are available, land trusts may negotiate the purchase of easements. Increasingly, land trusts are dedicating greater resources to stewardship and monitoring of easement properties, especially as lands under easement change hands. With more than 35 conservation organizations in Virginia, land trusts are a fast-growing mechanism for land preservation and have helped Virginia achieve a prominent place in this nationally important land conservation movement.

By donating conservation easements to a qualified organization or government agency, the landowner can continue to possess and enjoy the land while preserving the land’s conservation values. Because particular rights that are relinquished and the conservation values being protected can vary from one conservation easement to another, the process is flexible and involves negotiation between the landowner and the conservation easement holder. This means that the desire of the landowner to protect the property from development need not require the loss of all economic use of the property.

If the land has significant habitat for rare wildlife species, for example, the conservation easement may remove all rights to subdivide the land for development or to harvest any timber. Alternatively, an easement on agricultural or forested land may allow the construction of additional farm structures or selective timber harvesting. The particular restrictions spelled out in a deed of conservation easement are a list of the rights that are surrendered “in perpetuity,” so that all future owners of the land are subject to the same restrictions. The organization holding the easement provides long-term monitoring to ensure that easement values remain protected over time.

A term easement is a type of conservation easement that does not last “in perpetuity,” but is only for a specified number of years. Although Virginia law allows for such easements, they are not often used by state or private conservation groups since they do not result in meaningful long-term preservation of resources. Landowners generally do not favor term easements since they do not qualify for either federal or state tax benefits. Furthermore, neither state nor federal grant funds would be available for purchase of

such easements. These easements may have some limited use by localities in timing of development.

Remainder interests and reserved life estates

These arrangements allow the owner to live on and use the land during the owner's lifetime, and possibly the lifetime of other family members. At the death of person with the life estate, the "remainder interest," or ownership, falls to a designated public or nonprofit land preservation entity. The value of such a donation is different from an outright gift, but can still be considered a charitable contribution for federal income tax deduction purposes. This approach provides limited income tax benefits, but full estate tax benefits.

Stewardship agreements

These provide less binding mechanisms for conservation organizations and landowners to manage property for specific conservation benefits. Under these agreements, the landowner manages the property in accordance with the provisions of a stewardship plan developed in cooperation with the conservation organization. Stewardship agreements often are intended to provide responsible and knowledgeable landowners with an opportunity to plan and implement resource management strategies with reduced government oversight and regulation. They also provide an incentive for landowners to enhance and restore habitat, water quality, or other natural resources. In Virginia, the Natural Heritage Program at DCR offers natural area management agreements. The Nature Conservancy uses stewardship agreements, as well.

The Virginia Registry of Natural Areas

Managed by DCR's Natural Heritage Program, this registry encourages voluntary conservation of lands that support rare species and significant natural communities. Both private and public lands are eligible. Landowners who participate in the registry commit to voluntarily preserve natural heritage resources on their land to the best of their ability, to notify DCR of any potential threats to these resources, such as pollution or clearing of land, and to notify DCR of any intent to sell or transfer ownership of the property. By informing and recognizing the landowners of these significant natural areas, the Virginia Registry of Natural Areas program reduces the chance that these resources may be unknowingly destroyed. Registration is a voluntary and nonbinding agreement that may be terminated by either party at any time, and provides no rights of public access unless requested by the landowner. Locations of registered natural areas are not publicized unless the owner so desires.

[W]e seem ultimately always thrown back on individual ethics as the basis of conservation policy. It is hard to make a man, by pressure of law or money, do a thing which does not spring naturally from his own personal sense of right and wrong.

—Aldo Leopold, *Conservationist in Mexico*

Tax incentives for land conservation

Tax incentives for land conservation are an essential mechanism for encouraging land conservation. These tax benefits are offered at both the state and federal level, and there are also local tax benefits related to conservation easements.

Federal tax benefits of conservation easements

The *Internal Revenue Code (IRC)* allows two types of tax benefits for land conservation – a federal income tax deduction and an estate tax reduction and exclusion. The amount of the federal income tax deduction is based on the reduction in value resulting from the conservation easement as determined by an appraisal that meets the standards set forth in the IRC. Only easements granted in perpetuity and that "qualify" under the IRC are eligible for the tax benefit. The federal estate tax benefit includes a lowering of the total size of the taxable estate so that the deceased's heirs will not be required to pay taxes on the extinguished development rights. In addition to this tax savings, the estate of an easement donor may exclude up to 40 percent of the value of the protected land or \$500,000 (whichever is less) from the taxable estate. Finally, additional provisions of the IRC allow the heirs to elect to donate a "post mortem" conservation easement and have the land taxed as if the easement had been in place at the time of death. This is often a tool that is used when the heirs otherwise may need to sell all or a portion of the land in order to pay estate taxes.

Income tax deductions – easements as a charitable gift

Section 170 (h) of the *IRC* allows deductions for charitable gifts of qualified conservation contributions, which include the donation of land in fee simple or the donation of a perpetual conservation easement. The donation must be made to a "qualified" organization exclusively for "conservation purposes."

The *IRC* specifically defines "conservation purposes." The regulations outline four such conservation purposes:

- Preservation of land areas for outdoor recreation by, or the education of, the general public.

- Protection of a relatively natural habitat of fish, wildlife, plants, or similar ecosystem.
- Preservation of open space (including farmland and forest land) where such preservation is for the scenic enjoyment of the public or pursuant to public conservation policy.
- Preservation of historically important land or certified historic structures.

The landowner donating an easement in 2006 and 2007 (and perhaps in subsequent years, if Congress and the president extend or make permanent the law) is permitted to take an income deduction for the full value of the donation at a rate of up to 50 percent of their adjusted gross income (AGI) in the year of the gift, or 100 percent of AGI for farmers and forestland owners. A private certified appraiser evaluating the easement must determine the value of the gift. If not exhausted the first year, the amount of the gift can be carried forward for 15 subsequent years.

Estate tax benefits of easements

The Farm and Ranch Protection Act of 1997 (§2031(c) of the *IRC*) allows for an exclusion of up to 40 percent of the value of land or \$500,000 (whichever is less) under conservation easement from federal estate taxes. To qualify, the easement must be perpetual and must meet the conservation purposes of section 170(h) above, except that preservation of a historic area or structure is excluded. The easement may be given by a landowner who has owned his land for at least three years or by the executor of the estate of such a landowner. The intent of this provision is to provide relief from estate taxes for farmers and ranchers passing land to their children who might otherwise be forced to sell the land to pay estate taxes.

Virginia state tax benefits of conservation easements

The charitable gift deduction taken for a conservation easement on the federal tax return results in the same diminution in taxable income for state income tax purposes as it does for federal income purposes. Virginia state income tax is defined in the *Code of Virginia* §58.1-322.A as a resident's "federal adjusted gross income for the taxable year" subject to some modifications, none of which affect the charitable deduction of a qualified conservation contribution under section 170(h) of the *IRC*.

The most important Virginia state tax benefit related to the donation of easements is a credit enabled by the Virginia Land Conservation Incentives Act of 1999.

This statute (*Code of Virginia* §58.1-510 *et seq.*) allows a tax credit of an amount equal to 40 percent of the value of a gift of a conservation or open space easement up to \$100,000 per year. The unused portion of the credit may be carried forward for a maximum of 10 additional consecutive tax years.

In addition, for purchased easements, a Virginia state tax exclusion (*Code of Virginia* §§58.1-322 and 58.1-40) permits a landowner to exclude capital gains from the sale of land on which an open space easement has been placed and on which Virginia capital gains tax would otherwise have been levied.

Local tax benefits of conservation easements

In localities where the land use assessment tax program has been implemented, counties must include property subject to a conservation easement in the land use taxation program. In most cases the land is already enrolled in that program, and no additional reductions in the local property taxes result from the easement. In localities that have not implemented the land use assessment tax program, the decrease in the land's market value as a result of the easement should lower the amount of tax paid on that value. Localities should give a landowner the same diminution in value allowed by the IRS. They are required by state law to recognize the restricted value of the land with the easement in place (*Code of Virginia* §10.1-1011).

A 1993 amendment to the Conservation Easement Act relieved the landowner of the responsibility of filing annual applications or other requirements for qualifying for local land use assessment. The landowner with a permanent qualifying easement (whether to a public body or 501(c)(3) organization) automatically receives the benefit of the land use tax rate as long as the locality has implemented one of the four categories of land use tax. In the few counties with only one or two categories of land use tax, such as agriculture and horticulture but not forestry, the easement will result in a tax savings on the portion of the land not otherwise eligible for the use value assessment rate.

Land use taxation

In Virginia, localities can elect to reduce the real estate tax burden on unimproved land. The Commissioner of Revenue determines if the land is suitable for land use valuation. When the locality accepts the application for the land use valuation, the property tax is a reflection of productivity rather than on fair market value. This results in substantially lower real property taxes on the land. The Commissioner of Revenue uses the recommendations of the State Land

Land Conservation

Evaluation Advisory Council (SLEAC) to establish rates for the productive value of the land when calculating the real property tax obligation of the landowner. Land use values are determined for agriculture, horticulture, forestry and open space. For more information about land use taxation, or Virginia's Land Use Assessment Program and SLEAC, see <http://usevaluation.agecon.vt.edu>. Virginia statutes for land use taxation can be found in the *Code of Virginia* §§58.1-3230 through -3244.

The locality may take an individual property out of land use assessment when a landowner changes the use of the property. Examples are if the owner harvests timber with no provision to reforest, or if a landowner is causing pollution by not following accepted best management practices, or if the property is being developed. Likewise, landowners may elect at any time to remove the property from land use to take advantage of demand for development property. Although this taxation program does not offer long-term conservation, it removes some of the financial pressure for sale and development of land. The open space class of lands, such as scenic rivers and Virginia Byways, makes properties automatically eligible for the special land use tax program.

Agricultural and forestal districts

Localities can create special districts with voluntary landowner initiative to temporarily reserve farm and

forestland. These special districts are either Agricultural or Forestal, or both Agricultural and Forestal Districts (AFDs). The districts are a way for counties to encourage the use of land for agriculture and forestry activities. Only landowners who agree to limit development of the property while the district is in effect (from four to 10 years) can initiate the district. At least 200 acres are required to form a district. Landowners have the right to remove their land from the district with no penalty when the term expires. Lands in such districts have reduced taxes corresponding to land use rather than fair market value and are allowed exceptions to laws that would restrict farming or forestry in the district. Details of Agricultural and Forestal Districts can be found in *Code of Virginia* §§15.2-4300 *et seq.*

Funding

Funds to be used for the protection and preservation of natural resources for the outright purchase of land, conservation easements and management agreements are available from local, state and federal sources, as well as private, nonprofit organizations. State programs include the Virginia Land Conservation Fund, the Open-Space Lands Preservation Trust Fund, the Land and Water Conservation Fund and Water Quality Improvement Act funds. Additionally, the Department of Agriculture and Consumer Services' Farmland Preservation program will receive money for



Working farm and forest lands are important to Virginia's economy. DCR photo by Irvine Wilson.



Land conservation partnership at Brumley Mountain in Washington County involved DCR, The Nature Conservancy and the Department of Forestry. DCR photo by Claiborne Woodall.

a local grants program in 2007. Federal monies dedicated to the preservation and protection of open space include the Forest Legacy Fund, Farm and Ranch Protection Program and the Conservation Reserve Enhancement Program, all of which are administered by state agencies for the U.S. Department of Agriculture. The Virginia Resources Authority also can make low-interest loans to localities to help them lock up land while waiting for funding from grants or other sources. More information about funding can be found in Chapter VI: Grant Opportunities for Outdoor Recreation and Open Space.

Land conservation organizations in Virginia – partnerships for protection

The Commonwealth's ability to conserve, protect and enhance its significant natural, cultural, recreational and scenic resources is predicated on a strong partnership between public agencies and private land conservation organizations. Virginia is nationally recognized as a leader in private land conservation. According to a national survey done in 2006 by the Land Trust Alliance, ranking first in the nation in the number of properties protected and sixth in terms of total acres protected. Not surprisingly, the success of the state's land conservation movement lies in the deeply rooted Virginia traditions of private land stewardship and a reverence for private property rights.

Critical to the protection of open space and the preservation of unique natural areas, private land conservation efforts have resulted in the conservation of hundreds of thousands of acres in Virginia. In 1966, the Virginia Outdoors Foundation (VOF) was created to assist private landowners in protecting their properties. As of the end of 2006, VOF held more than 2,000

conservation easements, which protect more than 400,000 acres of open space. In addition to VOF, there are several state, federal and local agencies, a number of national conservation organizations, and more than 30 regional and local private land trusts now working to protect Virginia's landscapes. Not surprisingly, the success of the private land conservation movement lies in the deeply rooted Virginia tradition of private land stewardship.

The private land trusts in Virginia have come together under an umbrella organization called Virginia's United Land Trusts (VaULT). This organization, with support from DCR's Office of Land Conservation and the Department of Forestry, developed VaULT's *Heritage Virginia Strategic Plan for the Conservation of the Commonwealth's Natural and Cultural Resources*, published in December 2003 (see Appendix H).

Virginia's Land Conservation Partners

Private land conservation organizations

Virginia's United Land Trusts

National and regional land conservation organizations

Land Trust Alliance
The Trust for Public Land
The Conservation Fund
American Farmland Trust
The Nature Conservancy
Chesapeake Bay Foundation
Piedmont Environmental Council

Government agencies

Virginia Outdoors Foundation
Department of Conservation and Recreation
 Office of Land Conservation
 Natural Heritage Program
 State Parks System
 Virginia Byways and Scenic
 Highways Program
 Virginia Scenic Rivers Program
 Virginia Cave Protection Program
 Virginia Land Conservation Foundation
Department of Forestry
 Forest Legacy
Department of Historic Resources
 Historic Preservation Easement Program
Department of Agriculture and Consumer Services
 Office of Farmland Preservation
Department of Game and Inland Fisheries
 Virginia Wildlife Action Plan

Land trusts

There are many private, nonprofit conservation organizations that protect land. Each typically serves a particular region of the state or exists for a particular purpose, such as habitat protection or historic preservation. Organizations focusing mainly on land protection are typically called “land trusts” or “conservancies.” A directory of land trusts in Virginia is available at www.dcr.virginia.gov/land_conservation/whereto4.shtml. Nonprofit organizations in Virginia qualified to accept land for protection are defined by the Virginia Conservation Easement Act (*Code of Virginia* §§ 10.1-1009 through 10.1-1016) as being a charitable corporation, charitable association or charitable trust that has been declared exempt from taxation pursuant to § 501(c)(3) of the federal tax code. The primary purposes or powers of which include:

- Retaining or protecting the natural or open-space values of real property.
- Assuring the availability of real property for agricultural, forestal, recreational or open-space use.
- Protecting natural resources.
- Maintaining or enhancing air or water quality.
- Preserving the historic, architectural or archaeological aspects of real property.

These qualified land conservation organizations are defined as “holders” in the act, essentially meaning they are eligible to acquire and hold a conservation easement by gift, purchase, devise or bequest. These groups must have had a principal office in the Commonwealth for at least five years. Until such a group meets these requirements, it may co-hold a conservation easement with another holder that meets the requirements.

In addition to holding easements, many land trusts and conservancies buy or are given land. There are also many conservation organizations that do not actually hold easements or acquire land, but instead work to educate and promote use of the various land conservation tools.

Land conservation organizations work with local planning authorities, and often conduct their own initiatives, to identify and target priority lands to be preserved in their own regions. One example of this is The Nature Conservancy’s Conservation by Design initiative. This initiative lays out a conservation approach comprised of four fundamental components: setting priorities through ecoregional planning, developing

conservation strategies, taking direct conservation action, and measuring conservation success.

Virginia’s United Land Trusts (VaULT)

VaULT was organized in 2000 to address the growing interest and number of organizations involved in land conservation. It serves as an umbrella organization coordinating communications among more than 30 private land conservation organizations in Virginia.

The group’s goals are:

- To promote land conservation efforts statewide.
- To create or build land trust capacity.
- To foster greater coordination and communication between land trusts in Virginia.
- To coordinate private land conservation efforts with those of public sector agencies thus better enabling effective statewide conservation planning and green infrastructure promotion.
- To promote high professional standards for land trusts in Virginia.

An executive summary of the January 2004 VaULT strategic plan is found in Appendix H.

National and regional land conservation organizations

There are several national and regional land conservation organizations as well. Some focus on particular resources, and some provide generic information useful to all land conservation organizations. Just a few examples include the following.

- The Land Trust Alliance, which acts as the convener, strategist and representative of land trusts across America.
- The Trust for Public Land works to conserve land for people to enjoy as parks, community gardens, historic sites, rural lands and other natural places, ensuring livable communities for generations to come.
- The Conservation Fund works across all 50 states to preserve each region’s unique natural resources, cultural heritage and historic places.
- The American Farmland Trust is dedicated to protecting our nation’s strategic agricultural resources.
- The Nature Conservancy works to protect the land and water that plants, animals and natural communities need to survive.



Long-term conservation strategies include state lands like the Highland Wildlife Management Area. Photo by DGIF.

- The Chesapeake Bay Foundation works cooperatively with government, business, and citizens in partnerships to protect and restore the Chesapeake Bay.
- The Piedmont Environmental Council works to promote and protect the Virginia Piedmont's rural economy, natural resources, history and beauty.

Links to these and other organizations can be found at: www.dcr.virginia.gov/land_conservation/wheretof4.shtml.

State agency programs

There are numerous agencies in the Commonwealth with land conservation roles. Many are qualified to accept land or easements from landowners, and they carry out a wide variety of land conservation programs. In fact, the Virginia Outdoors Foundation holds more conservation easements than any other easement holder in the nation, as well as in Virginia. The VOF holds approximately 80 to 90 percent of all conservation easements in the Commonwealth.

State agencies qualified to accept land for conservation purposes include: those having authority to acquire land for a public use, counties or municipalities, park authorities, public recreational facility authorities, soil and water conservation districts, community development authorities, or the Virginia Recreational Facilities Authority. This authority is provided under the Virginia Open-Space Land Act (*Code of Virginia* §§10.1-1700 through 10.1-1705). This act provides public bodies with the authority to acquire properties or interests in property, or designate property for use as open-space land.

"Open-space land" means any land provided or preserved for 1) park or recreational purposes, 2) conser-

vation of land or other natural resources, 3) historic or scenic purposes, 4) assisting in the shaping of the character, direction and timing of community development, or 5) wetlands. Public bodies may also acquire fee simple title or other interests in real property, including easements for the conservation of farm and forestlands.

Virginia Outdoors Foundation

Website: www.virginiaoutdoorsfoundation.org

Contact: 101 N. 14th St., Richmond, VA 23219, (804) 225-2147

The Virginia Outdoors Foundation (VOF) was created in 1966 to promote the preservation of open-space lands and encourage private gifts of money, securities, land or other property to preserve Virginia's natural, scenic, historic, open-space and recreational areas. Open space easements are the primary mechanism VOF uses to accomplish its mission. VOF's easements protect a wide variety of natural resources, including watershed areas, settings for historic homes, scenic views, lands adjacent to public parks and game preserves, and more. Thanks in part to new state and federal financial incentives available to landowners with perpetual easements, the VOF conservation easement program has grown by leaps and bounds. In 1999, VOF put a little more than 11,400 acres under conservation easements, but in 2005, the program had grown such that VOF put conservation easements on more than 41,000 acres. At the end of 2006, VOF held easements on 2,066 properties with more than 400,000 acres in 98 local jurisdictions.

As the conservation easement program matures and land under easement changes hands, VOF must be in contact with heirs or new owners to make them aware of and understand the terms of the particular easement. Subsequent divisions of eased property result in many more individual properties in need of monitoring and stewardship. For these and other reasons, the VOF staff constantly responds to questions from landowners, prospective buyers, real estate agents and attorneys. Staff also reviews forestry plans, building plans and VDOT road projects to make sure easement values remain protected. This stewardship function of the conservation easement program is crucial to the overall success of the program.

Most of the foundation's operating expenses come from annual appropriations by the General Assembly. Other sources include donations, rental and interest income. Over the years, VOF has received private contributions for land purchases or other special projects. The General Assembly created the Open-Space

Land Conservation

Lands Preservation Trust Fund in 1997 to help landowners with costs of conveying conservation easements and to purchase all or part of the value of easements. Funding priority is given to applicants owning family farms, demonstrating financial need and for cost-only reimbursement projects. Visit www.virginiaoutdoorsfoundation.org/ptf.html for more information about the Open-Space Lands Preservation Trust Fund.

Virginia Department of Conservation and Recreation

Website: www.dcr.virginia.gov

Contact: 203 Governor St., Richmond, VA 23219, (804) 786-1712

DCR's mission is to work with Virginians to conserve, protect and enhance their lands, to improve the quality of the Chesapeake Bay and our rivers and streams, to promote the stewardship and enjoyment of natural, cultural and outdoor recreational resources, and to ensure the safety of Virginia's dams. As such, DCR is among the agencies authorized to acquire, by gift or purchase, areas, properties or lands of scenic beauty, recreational utility, historical interest or biological significance for the use, observation, education, health and pleasure of the people of Virginia.

Office of Land Conservation

Website: www.dcr.virginia.gov/land_conservation

Contact: (804) 225-2048

DCR's Office of Land Conservation was established to serve as a central contact point, repository and clearinghouse for land conservation across Virginia. Staff members also administer Virginia Land Conservation Foundation grants and serve as an important source of information for potential grant applicants. In addition, staff members oversee the conservation-value review of land preservation tax credits applications of \$1 million or more. The office's website includes a wide variety of materials and contact information to provide land conservationists and managers with land conservation planning tools.

Natural Heritage Program

Website: www.dcr.virginia.gov/natural_heritage

Contact: (804) 786-7951

For more information on the Natural Heritage Program, see chapter IX.

Virginia State Park System

Website: www.dcr.virginia.gov/state_parks

Contact: (804) 786-5046

For more information about Virginia's state parks, see chapter IX.

Virginia Byways and Scenic Highways Program

Website: www.virginiadot.org/programs/prog-byways.asp

Contact: (804) 786-1119

This program is a cooperative effort between the Department of Transportation and DCR. Since these scenic roads pass through some of Virginia's most attractive countryside, there is an effort to support donation of conservation easements along designated byway corridors. For more information on scenic roads, see chapter VII-E.

Virginia Scenic Rivers Program

Website: www.dcr.virginia.gov/recreational_planning/srmain.shtml

Contact: (804) 786-1119

For more information on scenic rivers, see chapter VII-F.

Virginia Cave Protection Program

Website: www.dcr.virginia.gov/natural_heritage

Contact: (804) 371-6205

The Virginia Cave Protection Act (*Code of Virginia* §10.1-1000-1008) was passed to conserve and protect caves, karstlands and cave geological resources, as well as to advocate the wise use of these resources. Program staff identifies significant caves, and provides cave management expertise, educational materials and conservation measures.

Virginia Land Conservation Foundation

Website: www.dcr.virginia.gov/vlcf

Contact: (804) 225-2048

The Virginia Land Conservation Foundation (VLCF) (*Code of Virginia* §§10.1-1017 through 10.1-1026) provides grants to state agencies and matching grants to other public bodies and holders to acquire fee simple title or interests in property for:

- ecological, cultural or historical resources;
- lands for recreational purposes;
- lands for threatened or endangered species, fish and wildlife habitat, natural areas;
- significant agricultural and forestal lands; and
- open space.

DCR helps administer, manage and protect VLCF's lands. The fund received \$1.75 million in FY 1999, \$6.2 million in FY 2000, \$3 million in FY 2005, and \$10 million in FY 2006. Another \$3.4 million was provided in FY 2000 solely for battlefield protection. Since the beginning of the program, grants have been awarded to 69 projects, conserving an estimated more than 20,000 acres of open-space land.

Virginia Department of Forestry

Website: www.dof.virginia.gov

Contact: Virginia Department of Forestry, 900 Natural Resources Dr., Charlottesville, VA 22903, (434) 977-6555

One of the Virginia Department of Forestry's (DOF) primary goals is to conserve Virginia's forestland base. Thousands of acres of forestland are lost each year to urban and other development. DOF manages more than 50,000 acres of state forestland and helps other state agencies manage state-owned forestland. The agency's mission is to "protect and develop healthy, sustainable forest resources for all Virginians." This statement indicates the agency's dedication to conserving "working forests" that provide forest products, wildlife habitat, water quality protection, recreation opportunities and aesthetic benefits. DOF professionals work with private, nonindustrial landowners, localities and other stakeholders to conserve, manage and protect Virginia's forests.

DOF programs include:

- Forest stewardship - forest management planning.
- Forest Legacy - forest conservation easements.
- Riparian restoration technical assistance.
- Urban and community forestry.
- Forest insect and disease assistance.

Forest Legacy Program

The Forest Legacy Program aims to protect and conserve important forests threatened by conversion to non-forest uses, such as development. Led by DOF, Forest Legacy is an important tool for preserving Virginia's forests through the coming years of anticipated, continued growth. Funded through the federal 1990 Forest Stewardship Act, Virginia may use Forest Legacy funds to purchase conservation easements or land. DOF plans to focus most of its efforts on purchasing conservation easements to enable conservation of the greatest amount of forestland. Priority will be given to threatened forestlands with important values such as the protection of water quality, fish and wildlife habitat, recreation, timber production, rare communities, or scenic and aesthetic characteristics. Visit www.dof.virginia.gov/mgt/index-flp.shtml for more information about the program.

Virginia Department of Historic Resources

Website: www.dhr.virginia.gov

Contact: Easement Program Coordinator, Virginia Department of Historic Resources, 2801 Kensington Ave., Richmond, VA 23221, (804) 367-2323.

The Virginia Department of Historic Resources (DHR) is the state's historic preservation office, whose mission is to foster, encourage and support the stewardship of Virginia's significant historical, architectural, archaeological and cultural resources. This commitment is achieved through a variety of programs, including the historic preservation easement program, state rehabilitation tax credit program, Virginia Landmarks Register, and a cost-share program for identification of historic resources, among others.

Historic Preservation Easement Program

Established in 1966, Virginia's Historic Preservation Easement Program allows historic landmarks to remain in private ownership, and consequently on local tax rolls, while simultaneously ensuring that the historically significant aspects of these landmarks will be preserved forever. The easements held by DHR, which represent the range of cultural history in Virginia, have been voluntarily donated by private owners, or given as a requirement of state grant funding in order to protect the public investment. All properties held under easement by DHR must be individually listed in the Virginia Landmarks Register, or determined by DHR to be a contributing resource within a historic district that is listed in the Virginia Landmarks Register. This program has grown exponentially; since 1995, the number of easement properties held by DHR has increased from 211 to over 400, and it continues to grow. For more information, see chapter VII-C.

Virginia Department of Agriculture and Consumer Services

Website: www.vdacs.virginia.gov

Contact: Farmland Preservation Coordinator, Virginia Department of Agriculture and Consumer Services, 1100 Bank St., Richmond, VA 23219, (804) 786-3501

The Virginia Department of Agriculture and Consumer Services (VDACS) promotes economic growth and development of the state's agriculture, encourages environmental stewardship and provides consumer protection.

Farmland Preservation

In 2001, the VDACS established an Office of Farmland Preservation. That office has a range of programs, including: the development of a model purchase of development rights (PDR) program that localities can use in developing their own PDR programs, creation of criteria for certification of local PDR programs as being eligible to receive grants from public sources, and identifying sources of revenue for localities to use in purchasing agricultural conservation easements. To develop the model PDR program, a Farmland

Land Conservation

Preservation Task Force was formed, comprised of representatives of public agencies, including Virginia Cooperative Extension, Virginia Tech, DOF, DCR, VOF, Department of Business Assistance, and others. The task force also included farmers, farm interest groups, representatives of the environmental community and the Virginia Association of Counties. The results of the Task Force's work can be found at www.vdacs.virginia.gov/pdf/files/pdf05.pdf.

Virginia Department of Game and Inland Fisheries

Website: www.dgif.state.va.us

Contact: Virginia Department of Game and Inland Fisheries, 1010 W. Broad Street, Richmond, VA 23230, (804) 367-1000

While a fundamental goal of the Virginia Department of Game and Inland Fisheries (DGIF) is wildlife habitat management, this work is consistent with land conservation efforts. DGIF's 30 wildlife management areas,

comprising about 190,000 acres, provide a rich variety of wildlife habitat suitable for hunting and fishing as well as viewing wildlife, unique plant communities and spectacular scenery. In addition to habitat management on its property, DGIF professionals share the technical know-how in restoring and preserving habitat with other state agencies, schools, private citizens, farmers and corporations. The agency offers various programs, information, workshops, publications and technical assistance on land management and conservation.

Virginia Wildlife Action Plan

The Virginia Wildlife Action Plan provides a common vision for wildlife conservation across the Commonwealth, identifying the important steps that we must all take to keep common species common and to prevent further decline, or possible extinction, of imperiled species. The plan can be found at <http://bewildvirginia.org/wildlifeplan>.